Environmental

Protection

Agency

ORDER

R-1200

Region 2

DEC 2 2 2008

DELEGATION OF AUTHORITY – TOXIC SUBSTANCES CONTROL ACT
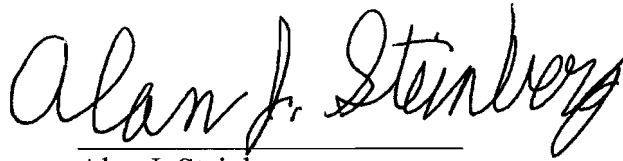
12-2-C. Administrative Enforcement: Issuance of Consent Orders

1.   PURPOSE: This Order redelegates certain authorities conferred on the Regional Administrator by Delegation 12-2-C of the EPA Delegations Manual.

2.   AUTHORITY: To issue consent orders memorializing settlements between the Agency and respondents resulting from administrative enforcement actions under the Toxic Substances Control Act (TSCA).

3.   TO WHOM REDELEGATED: The Regional Judicial Officer

4.   LIMITATIONS:

    a.   The authority redelegated in item 2 does not include the following:

        i.   The authority to issue consent orders memorializing settlements providing for a total penalty greater than $37,500.

        ii.   The authority to issue consent orders memorializing settlements that include a Supplemental Environmental Project.

        iii.   The authority to issue consent orders memorializing settlements that include injunctive relief by specifying particular complying actions that the respondent must perform. (For purposes of the preceding sentence, settlements that merely direct the respondent to comply with the relevant laws or regulations, either by citing those laws or regulations or simply restating the obligations set out in those laws or regulations, shall not be considered to be settlements that include injunctive relief.)

    b.   The authority to issue those consent orders under TSCA described in item 4.a. is reserved for the Regional Administrator and the Environmental Appeals Board.

    c.   The Regional Judicial Officer may not be employed by the Office of Enforcement and Compliance Assurance or by any program office directly associated with the type of violation at issue in the involved proceeding.

5.   FURTHER REDELEGATION: This authority may not be further redelegated.

6.   ADDITIONAL REFERENCES: 40 CFR Part 22.

Alan J. Steinberg
Regional Administrator